

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

March 17, 1997

UNITED STATES OF AMERICA)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
vs.)	OCAHO Case No. 96A00107
)	
HOSIERY CONCEPTS, INC.)	
Respondent.)	

ORDER OF DISMISSAL-SETTLED

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Department of Justice, Immigration and Naturalization Service (INS) is the complainant and Hosiery Concepts, Inc. is the respondent. On September 12, 1996, INS filed a complaint consisting of five counts with the Office of the Chief Administrative Hearing Officer (OCAHO). In lieu of an answer, counsel for the respondent sent a letter stating that he represented respondent and that the parties were negotiating a settlement. Two subsequent requests for extensions of time to effect settlement were filed and approved. A telephonic request was made for a third extension of time which was granted on the condition that a status report be made no later than February 20, 1997. On February 20, 1997, respondent submitted the status report indicating that settlement documents would be filed no later than March 21, 1997.

On March 13, 1997, the parties filed a Motion to Dismiss together with a Settlement Agreement signed by both parties which resolves all issues raised by the complaint. The entire record in this matter consists of the Complaint, the Notice of Hearing, two letters from respondent, two orders granting extensions of time, and the Joint Motion to Dismiss with the Settlement Agreement attached.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:
 - (1) Submit to the presiding Administrative Law Judge:
 - (i) The proposed agreement containing consent findings; and

(ii) A proposed decision and order;

or (emphasis added)

- (2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge.

28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and I find that its terms are appropriate pursuant to 28 C.F.R. § 68.14(a).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. § 68.14:

1. Respondent has withdrawn its request for hearing on the merits,
2. this matter is dismissed with prejudice in that respondent will pay a civil monetary fine in the total amount of \$45,000.00 with periodic payments to be made in the manner set forth in the Settlement Agreement,
3. it is appropriate to grant the Motion to Dismiss in the instant proceeding based upon the parties' notification made pursuant to 28 C.F.R. § 68.14(a)(2), and
4. the Complaint is dismissed.

SO ORDERED

Dated and entered this 17th day of March, 1997.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 1996, I have served copies of the foregoing Order of Dismissal-Settled on the following persons at the addresses indicated:

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